

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

**PART 165—[AMENDED]**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section, § 165.T01–135, is added to read as follows:

**§ 165.T01–135 Swift Creek Channel, Freeport, NY.**

(a) *Location.* The safety zone includes all waters surrounding the Loop Parkway Bridge where it spans Swift Creek channel, within a 200 yard distance on either side of the bridge.

(b) *Effective date.* This section is effective on January 9, 1998, from 4 p.m. until April 30, 1998, unless terminated sooner by the Captain of the Port, Long Island Sound.

(c) *Regulations.* The general regulations contained in § 165.23 apply.

Dated: January 9, 1998.

**P.K. Mitchell,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

[FR Doc. 98–5114 Filed 2–26–98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[COTP San Diego, 98–006]

RIN 2115–AA97

**Safety Zone: Mission Bay, San Diego, CA; Oceanside Harbor, Oceanside, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zones in the navigable waters of the channel entrances to Mission Bay, San Diego, CA, and Oceanside Harbor, Oceanside, CA, respectively. Both of these safety zones have been established for the same reason: To safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will consist of all navigable waters located within a

400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively.

The safety zones are established to restrict vessel capsizing, groundings, and other navigational mishaps that may occur due to severe weather and navigation conditions currently being encountered at the channel entrances to Mission Bay and Oceanside Harbor. Entry into, transiting through, or anchoring within these zones is prohibited unless authorized by the Captain of the Port. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within these zones as weather and navigation conditions permit.

**DATES:** This temporary rule becomes effective at 7:30 a.m. (PST) on February 17, 1998, and runs until 8 p.m. (PST) on March 31, 1998.

**ADDRESSES:** Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064.

**FOR FURTHER INFORMATION CONTACT:** Lt. Michael Arguelles, U.S. Coast Guard Marine Safety Office San Diego at (619) 683–6484.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to the public interest because emergency weather and navigation conditions require the immediate closure of both of these respective areas.

**Background and Purposes**

These safety zones have both been established for the same reason: To safeguard vessels from severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively. The safety zones will be in place from 7:30 a.m. (PST) on February 17, 1998, until 8 p.m. (PST) on March 31, 1998, unless canceled earlier by the Captain of the Port.

**Discussion of Regulation**

This regulation is necessary to safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will be enforced by U.S. Coast Guard personnel and local authorities working in conjunction with U.S. Coast Guard personnel. No persons or vessels will be allowed to enter into, transit through, or anchor within the safety zones unless authorized by the Captain of the Port. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within these zones as weather and navigation conditions permit.

**Regulatory Evaluation**

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the implementation of this safety zone, the Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

**Collection of Information**

This rule contains no collection of information requirements under this Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Federalism**

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, it will have no significant environmental impact and its is categorically excluded from further environmental documentation. A categorical exclusion determination and an environmental analysis check list have been completed and are available

for inspection and copying at the address listed in **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbor, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for 33 CFR part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T11-018 is added to read as follows:

**§ 165.T11-048 Safety Zone: Mission Bay, San Diego, CA; Oceanside Harbor, Oceanside, CA.**

(a) *Location.* These two safety zones will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively.

(b) *Effective Date.* This temporary regulation becomes effective at 7:30 a.m. (PST) on February 17, 1998, and runs until 8 p.m. (PST) on March 31, 1998, unless canceled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within these zones is prohibited unless authorized by the Captain of the Port.

Dated: February 17, 1998.

**J.A. Watson IV,**

*Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 165

[CGD 05-98-004]

RIN 2115-AE84

### Regulated Navigation Area Regulation: Ice Operations in Chesapeake Bay

**AGENCY:** Coast Guard, DOT.

**ACTION:** Direct final rule.

**SUMMARY:** By this direct final rule, the Coast Guard is removing a regulation for an ice navigation season Regulated Navigation Area (RNA) within the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. The Coast Guard is removing the regulation because it believes the regulation places unnecessary general restrictions on vessels, which can more appropriately be imposed individually on a case-by-case basis.

**DATES:** This rule is effective on May 28, 1998, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before April 28, 1998. If the Coast Guard receives a written adverse comment or written notice of intent to submit a written adverse comment, the Coast Guard will publish a timely withdrawal of all or part of this Direct Final Rule.

**ADDRESSES:** Comments may be mailed to Commander, U.S. Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226-1797, or may be delivered to the same address between 7:30 and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (410) 576-2547. Comments will become part of this docket and will be available for inspection or copying at the above address, between 7:30 and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Brooks Minnick, U.S. Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226, (410) 576-2585.

### SUPPLEMENTARY INFORMATION:

#### Request for Comments

Any comments must identify the names and address of the person submitting the comment, specify the rulemaking docket (CGD 05-98-004) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

#### Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because this rule removes a regulatory burden and no adverse comments are

anticipated. If no adverse comments or written notices of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days prior to the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comments or written notices of intent to submit adverse comment, the Coast Guard will publish a document announcing withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

#### Background and Purpose

Ice conditions frequently exist during the winter months on the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. Severe ice conditions may threaten the safety of persons, vessels and the environment. In the past, the Coast Guard annually activated by a notice of implementation, a Regulated Navigation Area (RNA) in which the Captain of the Port (COTP) Baltimore imposed certain operational restrictions on vessels in response to ice conditions. COTP Baltimore is the only zone in the Coast Guard that has an established RNA to control vessel movement during the ice season.

Recent practice has been to place restrictions in effect continuously through the winter months because it is difficult to forecast exact dates when severe ice conditions may begin and end. The Coast Guard now believes that a regulation that imposes general, continuous restrictions on all applicable vessels is unnecessary. The Coast Guard believes that prudent mariners can